

**JUDGE RICHARD M. NEITER'S PROCEDURE
FOR
RIVERSIDE DIVISION CASES**

I. SELF-CALENDARING SYSTEM

The self- calendaring system is designed to allow counsel and parties to obtain and schedule dates for hearing matters on regular notice without having to contact a calendar clerk. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(g). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

A. Matters that may be self-calendared.

Parties may select their own hearing dates for motions or applications that will not take more than 15 minutes to hear, and that fall within one of the following categories:

1. Motions for Relief from Stay;
2. Motions to Extend the Automatic Stay under 11 U.S.C. § 362(c)(3)(B);
3. Motions to Impose the Automatic Stay under 11 U.S.C. § 362(c)(4)(B);
4. Motions to Confirm that No Automatic Stay is in Effect under 11 U.S.C. § 362(c)(4)(A)(ii);
5. Motions to Confirm that the Automatic Stay has been Terminated under 11 U.S.C. § 362 (j);
6. Trustee's Motions under 11 U.S.C. § 362(h)(2);
7. Motions to Convert or Dismiss under 11 U.S.C. § 1112;
8. Objections to Claims (less than 20 claims);
9. Interim Fee Applications in chapter 7 and chapter 11 cases;
10. Any motion in a chapter 7 or 11 case or an adversary proceeding not identified in section II below as being ineligible for self-calendaring; or
11. Motions for relief from automatic stay involving:
 - (a) Residential unlawful detainer actions;
 - (b) *Post*-petition transfers of real property to the debtor; or
 - (c) *Pre*-petition transfers to the debtor--
 - (i) either within 90 days of the debtor's petition date, or
 - (ii) a fractionalized interest in real property.

These matters may be calendared on shortened time without prior Court approval in accordance with this procedure, provided that the motion is filed with the Court and served on all parties entitled to receive notice of the motion by such means so as to ensure that the moving papers and notice of hearing are actually received not later than 10 court days prior to the date of the hearing. In addition, telephonic notice of the date, time and place of the hearing on the motion must be given to all parties entitled to receive notice of the motion not later than 10 court days prior to the hearing on the motion. Any motion filed pursuant to this rule shall indicate that a response is due two court days before the hearing with a courtesy copy delivered to the Court's chambers.

B. Matters that may NOT be self calendared:¹

1. Applications for Orders Shortening Time*;

¹ For more information concerning procedures for obtaining hearings on matters on this list marked with an asterisk (*), please contact Judge Neiter's law clerk at (213) 894-4080. For more information concerning procedures for obtaining hearings on any matter on this list not marked with an asterisk, please contact Judge Neiter's Riverside Division courtroom deputy at (951) 774-1075.

2. Matters to be heard on shortened notice or on an ex parte basis*;
3. Emergency motions (including motions arising under any general order that may be approved for application in chapter 11 cases)*;
4. Initial status conferences in adversary proceedings and chapter 11 cases;
5. Clusters of related matters that would ordinarily be set for different hearing times;
6. Omnibus Objections to Claims (more than 20 objections set for a single hearing);
7. Motions for Authority to Use/Restrict Use of Cash Collateral;
8. Motions for Reconsideration;
9. Motions for Summary Judgment;
10. Pre-trial conferences;
11. Reaffirmation Agreements;
12. Lessor's objection(s) under 11 U.S.C. § 362(l)(3) to any Certification Filed by the Debtor under 11 U.S.C. §§ 362(l)(1) and/or 362(l)(2);
13. Debtor's objection to Lessor's Certification under 11 U.S.C. § 362(m)(2)(B);
14. Disclosure Statements and Plan Confirmation hearings; or
15. Any motion that will take **more than 15 minutes**.

C. Procedures for Self Calendaring.

For matters that may be self-calendared, please follow the steps outlined below:

STEP 1: Identify available dates and times for the type of matter that you want to calendar by referring to the Riverside calendar posted on the Court's website (www.cacb.uscourts.gov) or by calling the Bankruptcy Court's general information number at (213) 894-3118 and selecting the menu options necessary to direct you to the calendaring information for Judge Neiter's Riverside cases.

PLEASE NOTE that calendar dates are subject to periodic revisions. Accordingly, verify that you are referring to a *current version* of the Judge's monthly calendar.

STEP 2: You are required to prepare a notice of hearing for the date and time that you have selected. To ensure that the Court set the motion you have filed for hearing on the date and time that you have selected, please review the Court's requirement regarding judge's copies in **Section II** below.

PLEASE NOTE THE FOLLOWING:

Notices of hearings should indicate the Riverside Division address: 3420 Twelfth Street, Courtroom 301, Riverside, CA 92501-3819.

If your motion is for relief from stay, you must provide notice in accordance with the Official Form (series 4001) set forth under Local Bankruptcy Rule 1002-1(d)(9).

By choosing a date for a relief from stay hearing that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 362(e).

By choosing a date for a hearing on a motion to dismiss or convert under 11 U.S.C. § 1112 that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 1112(b)(3).

STEP 3: Provide sufficient notice to all parties entitled to receive such notice pursuant to applicable provisions of the Local Bankruptcy Rules and Federal Rules of

Bankruptcy Procedure. Schedule hearing dates accordingly. Moving parties may refer to Local Bankruptcy Rule 9013-1(a)(6) regarding service of the notice of the hearing and Local Bankruptcy Rule 9013-1(a)(13) regarding evidence supporting the motion.

STEP 4: File and serve your moving papers timely. Refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines. Refer to the Court's website regarding procedure for electronically filing a pleading. If proof of service is insufficient, the moving party's motion may be continued or denied. Be sure to deliver a copy of all papers to the Intake Office of the Riverside Division Courthouse with the appropriate Notice of Electronic Filing attached to the end of the document. See **Section II** below.

STEP 5: If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the Court's Courtroom Deputy will contact you to arrange an alternate date. **The Court reserves the right to reschedule any hearing.** Prior to the date of any scheduled hearing, you will be notified if your hearing has been re-set. Please serve the appropriate notice reflecting the correct hearing date.

Deviating from the foregoing procedure may cause your motion not to be heard on the date and time selected and may cause the party filing the pleading to be sanctioned by the Court.

II. JUDGE'S COPIES OF PLEADINGS

Judge's copies of all pleadings filed (electronically or otherwise) that are set for a hearing are prerequisites to having an application or motion heard. No motion will be scheduled for a hearing unless a hard copy of all pleadings filed pertaining to the motion or application is submitted **within 48 hours of the filing of the pleading** or sooner, if appropriate, and the motion or application is filed in accordance with the applicable Local Bankruptcy Rules.

A. Pleadings relating to matters that are eligible for self-calendaring: the filing party shall deliver a hard copy of the pleading filed for Judge Neiter's Courtroom Deputy to the Intake Office of the Riverside Division located at 3420 Twelfth Street, Room 125, Riverside, CA 92501-3819.

B. Pleadings relating to emergency motions, chapter 11 first day motions, and applications for order shortening-time: the filing party shall deliver a hard copy of the pleading filed for the Judge Neiter's Courtroom Deputy to the Intake Office of the Riverside Division located at 3420 Twelfth Street, Room 125, Riverside, CA 92501-3819. A **second copy** shall be delivered to Judge Neiter's chambers located on the 16th Floor of the Roybal Federal Building, 255 East Temple Street, Suite 1652, Los Angeles, CA 90012.

Any chambers copy of a pleading filed electronically must be accompanied by an ECF receipt or a Notice of Electronic Filing stapled or **fastened at the end of the pleading** to show proof of filing the original document, and stamped "**Judge's Copy**" or "**Chambers Copy**". The chambers copy must also conform to the requirements of Local Bankruptcy Rule 1002-1, including the format and tabbing of exhibits. If a pleading contains **more than 5 exhibits**, exhibit tabs must be used for all chambers copies. All pleadings e-filed will not be considered unless a chambers copy is provided timely to the Court.

III. APPEARANCES AND LOCATION OF HEARINGS

All hearings for Riverside Division cases shall be heard via video-conferencing or telephonic conferencing unless the Court orders otherwise. Parties using video conferencing shall appear in person at the **Riverside Division Courthouse located at 3420 Twelfth Street, Courtroom 301, Riverside, CA 92501-3819.**

Telephonic appearances must comply with Judge Neiter's procedures for telephonic appearances which may be found in the court's website at www.cacb.uscourts.gov. Parties appearing by telephone should contact Court Call at (866) 582-6878 **no less than twenty-four (24) hours prior to the court hearing date.**

IV. DISPOSITIONS WITHOUT ORAL ARGUMENT

As a general rule, if a motion or application is not contested or unopposed and the Court has no question or has granted the relief requested, no appearance by the movant is necessary.

For hearings on Motions for Relief from the Automatic Stay, prior to the hearing, Judge Neiter will post his Final Rulings if no timely opposition has been filed. The failure of the debtor, the trustee, and any other party in interest to file a written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(a)(7) will be considered as a consent to the granting of the motion. LBR 9013-1(a)(11) and (14); cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). A default will be deemed entered and the matter will be resolved without oral argument. No appearance is necessary in such instances. If, however, a party appears at the hearing in opposition to the motion, the Court will either continue the hearing or adopt the Final Ruling.

V. L.O.U. ORDERS

All Relief from Stay orders shall be prepared by the movant unless the Court directs otherwise. They should be lodged electronically pursuant to the Court's Electronic Lodged Order Upload ("L.O.U.") procedure. No paper orders shall be accepted unless specifically approved by the Court. Details about L.O.U. may be found at www.cacb.uscourts.gov.

Judge's hard copies of stipulations, agreements, declarations or motions relating to an order submitted through L.O.U. must be submitted and filed **within 48 hours of the lodgment of the order** at the Intake Office of the Riverside Division located at 3420 Twelfth Street, Room 125, Riverside, CA 92501-3819. No L.O.U. order shall be considered without a hard copy of the related document submitted.

VI. QUESTIONS

Questions concerning Judge Neiter's procedure for cases in the Riverside Division may be directed to Cynthia Jeanmarie, Judge Neiter's courtroom deputy in Riverside, at (951) 774-1075.